



General Assembly

February Session, 2008

***Raised Bill No. 5916***

LCO No. 3109

\*03109\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING RACIAL AND ETHNIC IMPACT STATEMENTS  
ON LEGISLATION AND CERTAIN OFFENSES COMMITTED NEAR  
SCHOOLS OR CHILD DAY CARE CENTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 2-24 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The words "State of Connecticut" shall be printed at the head of each  
4 bill and document printed by order of the General Assembly, or either  
5 house thereof, and on its title page or cover, if any. Before printed or  
6 photographic copies of an original bill are made, the bill shall be  
7 endorsed with (1) the date of its introduction; (2) its number; (3) the  
8 name of the member or committee introducing it; and (4) the name of  
9 the committee to which it was referred. Copies of bills or resolutions  
10 printed after favorable report by a committee or reprinted after  
11 amendment on the third reading, i.e., files, shall bear (A) the file  
12 number of such bill or resolution, placed conspicuously at the head of  
13 the same, which file number shall be assigned by the printer in the  
14 order printed; [.] (B) the number and title of the bill or resolution; [.]  
15 (C) the name of the committee to which it was referred; [.] (D) the date

16 and nature of the committee's report; [, and,] (E) in any case where the  
 17 bill, if passed, would require the expenditure of state or municipal  
 18 funds or affect state or municipal revenue, a fiscal note, including an  
 19 estimate of the cost or of the revenue impact shall be appended  
 20 thereto; and (F) in any case where the bill, if passed, would increase or  
 21 decrease the state's prison population, a racial and ethnic impact  
 22 statement that includes an estimate of how the bill would change the  
 23 racial or ethnic profile of the state's prison population, for racial and  
 24 ethnic groups for which data is available, and a statement of the  
 25 methodologies and assumptions used in preparing the estimate. When  
 26 a bill or resolution is accompanied with a report of a committee, other  
 27 than a recommendation that it ought or ought not to pass, it shall then  
 28 have an additional endorsement, as follows: "Accompanied by special  
 29 report, No.-". Bills shall be designated in the printed calendar of each  
 30 house by their file numbers, as well as by the titles and numbers of the  
 31 bills.

32 Sec. 2. Section 2-24a of the general statutes is repealed and the  
 33 following is substituted in lieu thereof (*Effective from passage*):

34 (a) No bill without a fiscal note appended thereto which, if passed,  
 35 would require the expenditure of state or municipal funds or affect  
 36 state or municipal revenue in the current fiscal year or any of the next  
 37 ensuing five fiscal years shall be acted upon by either house of the  
 38 General Assembly unless said requirement of a fiscal note is dispensed  
 39 with by a vote of at least two-thirds of such house. Such fiscal note  
 40 shall clearly identify the cost and revenue impact to the state and  
 41 municipalities in the current fiscal year and in each of the next ensuing  
 42 five fiscal years.

43 (b) If a racial and ethnic impact statement is required under section  
 44 2-24, as amended by this act, no bill without such statement appended  
 45 thereto shall be acted upon by either house of the General Assembly  
 46 unless said requirement of a racial and ethnic impact statement is  
 47 dispensed with by a vote of at least two-thirds of such house.

48       Sec. 3. Section 2-26 of the general statutes is repealed and the  
49       following is substituted in lieu thereof (*Effective from passage*):

50       At each regular or special session of the General Assembly no bill  
51       shall be passed or become a law unless it has been printed in its final  
52       form, as prescribed by section 2-24, as amended by this act, with the  
53       exception of germane amendments, and upon the desks of the  
54       members at least two legislative days prior to its final passage, unless  
55       the president pro tempore of the Senate and the speaker of the House  
56       of Representatives have certified, in writing, the facts which in their  
57       opinion necessitate an immediate vote on such bill, in which case it  
58       shall nevertheless be upon the desks of the members in final form,  
59       accompanied by the fiscal note or racial and ethnic impact statement  
60       required by section 2-24, as amended by this act, when applicable, with  
61       the exception of germane amendments, but not necessarily printed,  
62       before its final passage.

63       Sec. 4. Section 2-71c of the general statutes is repealed and the  
64       following is substituted in lieu thereof (*Effective from passage*):

65       (a) The Joint Committee on Legislative Management shall create a  
66       legislative Office of Legislative Research and a legislative Office of  
67       Fiscal Analysis.

68       (b) The legislative Office of Legislative Research shall assist the  
69       General Assembly and the Legislative Department, legislative  
70       commissions and legislative committees in a research and advisory  
71       capacity as follows: (1) Assisting the development of legislative  
72       programs; (2) analyzing the long-range implications of the several  
73       alternative programs; (3) preparing abstracts, summaries, explanations  
74       of state executive agency and federal government reports; (4)  
75       informing the legislative leaders of action taken by the federal  
76       government with regard to problems of their particular concern and  
77       federal law; (5) assisting in the research and writing of interim reports;  
78       (6) preparing bill analyses and summaries; (7) assisting in hearings by  
79       preparing agendas, contacting potential witnesses, scheduling their

80 appearances and analyzing testimonies; (8) assisting the Office of  
81 Fiscal Analysis in preparing racial and ethnic impact statements  
82 pursuant to subsection (c) of this section; and [(8)] (9) performing such  
83 other research and analysis services as may be determined by the Joint  
84 Committee on Legislative Management.

85 (c) The legislative Office of Fiscal Analysis shall assist the General  
86 Assembly and the Legislative Department, legislative commissions  
87 and legislative committees in a research and advisory capacity as  
88 follows: (1) Reviewing department and program operating budget  
89 requests; (2) analyzing and helping to establish priorities with regard  
90 to capital programs; (3) checking executive revenue estimates for  
91 accuracy; (4) recommending potential untapped sources of revenue; (5)  
92 assisting in legislative hearings and helping to schedule and prepare  
93 the agenda of such hearings; (6) assisting in the development of means  
94 by which budgeted programs can be periodically reviewed; (7)  
95 preparing short analyses of the costs and long-range projections of  
96 executive programs and proposed agency regulations; (8) keeping  
97 track of federal aid programs to make sure that Connecticut is taking  
98 full advantage of opportunities for assistance; (9) reviewing, on a  
99 continuous basis, departmental budgets and programs; (10) analyzing  
100 and preparing critiques of the Governor's proposed budget; (11)  
101 studying, in depth, selected executive programs during the interim;  
102 (12) performing such other services in the field of finance as may be  
103 requested by the Joint Committee on Legislative Management; (13)  
104 preparing the fiscal notes, required under section 2-24, as amended by  
105 this act, upon favorably reported bills [which] that require expenditure  
106 of state or municipal funds or affect state or municipal revenue; (14)  
107 preparing at the end of each fiscal year a compilation of all fiscal notes  
108 on legislation and agency regulations taking effect in the next fiscal  
109 year, including the total costs, savings and revenue effects estimated in  
110 such notes; [and] (15) every second and fourth year after the effective  
111 date of each enacted bill, review the fiscal note of such bill to compare  
112 it to the fiscal note prepared at the time such bill was enacted; and (16)  
113 preparing the racial and ethnic impact statements, required under

114 section 2-24, as amended by this act, upon favorably reported bills that,  
115 if passed, would increase or decrease the state's prison population. The  
116 Office of Fiscal Analysis may request the Office of Legislative Research  
117 to assist in preparing such racial and ethnic impact statements. The  
118 governing body of any municipality, if requested, shall provide the  
119 Office of Fiscal Analysis, within two working days, with any  
120 information that may be necessary for analysis in preparation of such  
121 fiscal notes. Each officer, board, commission or department of the state  
122 government shall assist the Office of Fiscal Analysis in carrying out its  
123 duties and, if requested, shall make its records and accounts available  
124 to the office in a timely manner, except that where there are statutory  
125 requirements of confidentiality with regard to such records and  
126 accounts, the identity of any person to whom such records or accounts  
127 relate shall not be disclosed.

128 (d) Such legislative offices shall undertake research assignments as  
129 they may be assigned and in accordance with procedures established  
130 by the Joint Committee on Legislative Management.

131 (e) The Joint Committee on Legislative Management shall appoint  
132 an executive director of the Joint Committee on Legislative  
133 Management, a director of the legislative Office of Legislative Research  
134 and a director of the legislative Office of Fiscal Analysis and may  
135 employ professional and research staff, clerical assistants and other  
136 personnel as may be required to staff such offices, and the Comptroller  
137 is directed to draw [his] an order on the Treasurer in payment of any  
138 sum approved by such committee from the appropriation to the Joint  
139 Committee on Legislative Management and legislative appropriations  
140 for the current and subsequent fiscal year.

141 Sec. 5. Subsection (c) of section 21a-267 of the general statutes is  
142 repealed and the following is substituted in lieu thereof (*Effective*  
143 *October 1, 2008*):

144 (c) Any person who violates subsection (a) or (b) of this section in or  
145 on, or within [one thousand] five hundred feet of, the real property

146 comprising a public or private elementary or secondary school, while  
147 such school is in session, and who is not enrolled as a student in such  
148 school shall be imprisoned for a term of one year which shall not be  
149 suspended and shall be in addition and consecutive to any term of  
150 imprisonment imposed for violation of subsection (a) or (b) of this  
151 section.

152 Sec. 6. Subsection (b) of section 21a-278a of the general statutes is  
153 repealed and the following is substituted in lieu thereof (*Effective*  
154 *October 1, 2008*):

155 (b) Any person who violates section 21a-277 or 21a-278 of the 2008  
156 supplement to the general statutes by manufacturing, distributing,  
157 selling, prescribing, dispensing, compounding, transporting with the  
158 intent to sell or dispense, possessing with the intent to sell or dispense,  
159 offering, giving or administering to another person any controlled  
160 substance in or on, or within [one thousand] five hundred feet of, the  
161 real property comprising a public or private elementary or secondary  
162 school [, a public housing project] or a licensed child day care center,  
163 as defined in section 19a-77 of the 2008 supplement to the general  
164 statutes, that is identified as a child day care center by a sign posted in  
165 a conspicuous place, while such school is in session or such child day  
166 care center is open for business, shall be imprisoned for a term of three  
167 years, which shall not be suspended and shall be in addition and  
168 consecutive to any term of imprisonment imposed for violation of  
169 section 21a-277 or 21a-278 of the 2008 supplement to the general  
170 statutes. To constitute a violation of this subsection, an act of  
171 transporting or possessing a controlled substance shall be with intent  
172 to sell or dispense in or on, or within [one thousand] five hundred feet  
173 of, the real property comprising a public or private elementary or  
174 secondary school [, a public housing project] or a licensed child day  
175 care center, as defined in section 19a-77 of the 2008 supplement to the  
176 general statutes, that is identified as a child day care center by a sign  
177 posted in a conspicuous place, while such school is in session or such  
178 child day care center is open for business. [For the purposes of this

179 subsection, "public housing project" means dwelling accommodations  
 180 operated as a state or federally subsidized multifamily housing project  
 181 by a housing authority, nonprofit corporation or municipal developer,  
 182 as defined in section 8-39, pursuant to chapter 128 or by the  
 183 Connecticut Housing Authority pursuant to chapter 129.]

184 Sec. 7. Subsection (d) of section 21a-279 of the general statutes is  
 185 repealed and the following is substituted in lieu thereof (*Effective*  
 186 *October 1, 2008*):

187 (d) Any person who violates subsection (a), (b) or (c) of this section  
 188 in or on, or within [one thousand] five hundred feet of, the real  
 189 property comprising a public or private elementary or secondary  
 190 school and who is not enrolled as a student in such school or a licensed  
 191 child day care center, as defined in section 19a-77 of the 2008  
 192 supplement to the general statutes, that is identified as a child day care  
 193 center by a sign posted in a conspicuous place, while such school is in  
 194 session or such child day care center is open for business, shall be  
 195 imprisoned for a term of two years, which shall not be suspended and  
 196 shall be in addition and consecutive to any term of imprisonment  
 197 imposed for violation of subsection (a), (b) or (c) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	2-24
Sec. 2	<i>from passage</i>	2-24a
Sec. 3	<i>from passage</i>	2-26
Sec. 4	<i>from passage</i>	2-71c
Sec. 5	<i>October 1, 2008</i>	21a-267(c)
Sec. 6	<i>October 1, 2008</i>	21a-278a(b)
Sec. 7	<i>October 1, 2008</i>	21a-279(d)

***Statement of Purpose:***

To (1) require a racial and ethnic impact statement on any favorably reported bill that, if passed, would impact the size of the state's prison population, and (2) reduce the minimum distance for enhanced penalties related to controlled substances from one thousand five

hundred feet to five hundred feet from a school or child day care center, only when such school or child day care center is open, and eliminate enhanced penalties related to proximity to a public housing project.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*